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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,331	09/08/2003	William C. Moyer	SC13074TH	1204

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EXAMINER

PAN, DANIEL H

ART UNIT PAPER NUMBER

2183

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,331	Applicant(s) MOYER, WILLIAM C.	
	Examiner Daniel Pan	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/09/06, 05/16/06</u> | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-22 remain for examination. No change has been made.
2. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/657,797. Although the conflicting claims are not identical, they are not patentably distinct from each other.
3. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/657,510. Although the conflicting claims are not identical, they are not patentably distinct from each other.
4. Response regarding double patenting to applicant's remarks will be given in a) and b) in this action.
5. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (5,870,596).
6. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinds et al. (6,170,001).
7. Claims 1, 5, 8, 10, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Inagami et al. (4,760,545).
8. The rejections are maintained and incorporated by reference the last office action on 02/16/06.

9. The response filed on 05/16/06 has been fully considered but is not persuasive.

10. In the remarks, applicant argued that :

a) current claim 1 specifies a number of register elements to be transferred between each of the at least two of the plurality of general purpose registers which is not suggested by copending claim 1;

b) the size does not suggest instruction to provide the number of register elements to be transferred between the two registers;

c) in Yoshida, there is no field or specifier provided in the LDM instruction to specify the number of register elements. The data transferred is always 4 bytes;

d) no teaching in Yoshida for specify which data elements to be transferred;

e) claim 8 and claim 13 include different limitations than claims 1 and 5, and claim 15 included additional limitations than claim 1;

f) the number of odd words nor the type of bit in Hinds the number of register elements , nor specify which data elements are to be transferred;

g) the number of register elements refers to a number of register elements within a particular general purpose register;

h) L of Inagami does not specify a number of register elements transferred to/from each register of at least two registers as claimed;

i) Inagami's fig.4b does not include a field which indicates which data elements of at least two registers are to be transferred.

11. As to a) above, co-pending claim 1 did not teach to specify the number of register elements to be transferred between each of the at least two of the plurality of general purpose registers. However, it taught the transfer between a memory and at least one register (see copending claim 1). The at least one register suggested more than one register was applicable. It could be two, three...N. Therefore, the number of registers could be used for accepting more than one register, and for this reason, it provided a suggestion to specify the number of registers.

12. As to b), the size does suggest instruction to provide the number of register elements to be transferred between the two registers because each register has a limited size, and if the number of register elements were not specified, the size of the data elements could be processed properly. Therefore, the number of register elements, or the like must be included.

13. As to c), since the register had a limited data size, the number of register elements transferred had to be specified in order to keep data transfer of always 4 bytes. For example, if one register had 2 byte in size, two registers would be 4 bytes total. Therefore, in order to keep transfer of always 4 byte, the number of register had to be specified. Therefore, although not explicitly taught, in doing so, provided a suggestion for specifying the number of register elements.

14. As to d), as to specify which elements to be transferred (see the lower byte in the internal code LDMI to R1 in col.24, lines 14 -21) .

As to e) applicant did not point out which limitations are different. Examiner holds that the rejection is equally applicable to claims 1,5,8,13 and 15, and all limitations have been addressed in the action on 02/16/06.

15. As to f), Hinds did teach the number of data elements to be transferred (see the number of odd words in col.2, lines 60-67). Hinds also taught which data element were to be transferred (see odd words).

As to g), no number of register elements refers to a number of register elements within a particular general purpose register can be found in the claims. applicant is reminded that unclaimed features cannot be used to overcome the prior art (e.g. see CCPA In re Lundenberg & Zuschlag, 113, USPQ 530, 534 (1957)).

16. As to h), Inagami taught instruction for transferring a plurality of data elements between the memory and the at least two of the plurality of general purpose registers (see transfer of vector data elements in col.1, lines 59-68, see also the loading of data elements in col.2, lines 22-56, col.4, lines 1 1-68, see the operands in col.5, lines 1-4) wherein the at least one or more instructions specifies a number of register elements (see fig.4b , L being the number of vector elements to be transferred, see also the number specified by instruction in col.6, lines 52-68) to be transferred between each of the at least two of the plurality of general purpose registers and memory .

17. As to i), a field which indicates which data elements of at least two registers are to be transferred is not found in the claim.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Art Unit: 2183

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
GROUP